

EXHIBIT K

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

-----X
JANNIE PILGRIM, GIOVANNA HENSON, JESAN

SPENCER and BRENDA CURTIS,

Plaintiffs,

- against -

CASE NO.: 07CIV 6618

THE MCGRAW-HILL COMPANIES, INC.,

Defendant.

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ORIGINAL

DEPOSITION OF RICHARD FISHER, taken by
Plaintiffs, pursuant to Notice on Wednesday, March
5, 2008, commencing at 9:38 a.m., before Chandra D.
Brown, a Registered Professional Reporter and Notary
Public within and for the State of New York.

1 R. Fisher

2 Jessica Brookins instead of Giovanna Henson or
3 anyone else for that matter?

4 A When was the decision?

5 Q Yes.

6 A I believe it was in June of '05.

7 Q Here it says, "Status: Rejected; select
8 motive." And there is some sort of a symbol.

9 Do you see the symbol?

10 A Yes, I do.

11 Q What does that symbol represent?

12 A I'm not aware.

13 Q What was the reason why Giovanna Henson
14 was rejected by you?

15 A Jessica Brookins was the stronger
16 candidate.

17 Q Why was she stronger?

18 A She was. Her performance review was
19 rated a 5, highest possible. She was also on a
20 higher grade level when she had applied for the job
21 as well.

22 Q Did you tell Giovanna Henson the reason
23 why she was rejected?

24 A I don't remember calling Giovanna and
25 saying that. It could have taken place through the

1 R. Fisher

2 recruiting process.

3 Q Do you know whether anybody else called
4 Giovanna Henson to tell her that she was rejected,
5 if you know?

6 A I don't know.

7 Q What were the two reasons why, because
8 Jessica Brookins had a higher grade level when she
9 was hired?

10 A Higher grade level and stronger
11 performance appraisal as well.

12 Q Would that be indicated on the
13 application -- or on the form, the fact that the
14 person had a stronger performance appraisal?

15 A I knew that at the time of the decision,
16 but I don't see that indicated on Giovanna's form.

17 Q How did you know that at the time of the
18 decision? Did someone speak with you?

19 A Somebody did speak with me. I would have
20 asked for that information during the hiring
21 process.

22 Q So, who did you speak to in regard to
23 Jessica Brookins's grade level?

24 A Sitting here today, I don't remember the
25 specific circumstances of who I spoke to but that's

1 R. Fisher

2 Q Mr. Fisher, were there minimum grade
3 levels at which a person needed to have as a
4 requirement in order to be hired for this position
5 in the job description itself?

6 A I don't believe so.

7 Q So, that's something that you decided for
8 yourself that was important, is that right, grade
9 level?

10 A Grade level depicts the person's
11 responsibility. And, yes, I thought that was
12 important.

13 Q Is there anywhere in the job description
14 that it calls for a certain kind of performance
15 appraisal?

16 A In the job description? No, it does not.

17 Q Did you check on Giovanna Henson's
18 performance appraisals?

19 A That information would have been sent to
20 me, but I don't recall checking on that.

21 Q Did you speak to Sheila O'Neill about
22 Giovanna Henson at all before making the decision
23 whether to hire her or not?

24 A I spoke to a few people internally,
25 colleagues of mine, and Sheila was included in my